

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANNA PELCZARSKA,	:	
	:	
	:	
Plaintiff,	:	<u>ORDER REGULATING</u>
	:	<u>PROCEEDINGS</u>
-against-	:	21 Civ. 7735 (AKH)
	:	
	:	
ARHAUS, LLC,	:	
	:	
Defendant.	:	
-----	X	

ALVIN K. HELLERSTEIN, U.S.D.J.:

On February 18, 2022, I held a telephonic status conference in the above-captioned matter and ordered the parties to brief whether supplemental jurisdiction existed, pursuant to 28 U.S.C. § 1367, over Plaintiff's claims contained in Counts III and IV of the Amended Complaint. Defendant filed its motion to dismiss on March 11, 2022 (ECF No. 15). On March 29, 2022, the parties submitted a joint stipulation voluntarily dismissing Counts III and IV of the Amended Complaint (ECF No. 17). That stipulation operates as a dismissal pursuant to Federal Rule of Procedure 41(a)(1)(A)(ii).

Accordingly, the motion to dismiss is denied as moot. By April 5, 2022, Plaintiff shall file a Second Amended Complaint that omits the dismissed claims. Defendant's Answer to the Amended Complaint will be deemed an Answer to the Second Amended Complaint. By April 8, 2022, the parties shall jointly file an updated proposed case management plan. The Clerk shall terminate ECF No. 15.

SO ORDERED.

Dated: March 30, 2022
New York, New York

/s/ Alvin K. Hellerstein
ALVIN K. HELLERSTEIN
United States District Judge